

MICHIGAN SUPREME COURT



Office of Public Information

contact: Marcia McBrien | (313) 972-3219 or (517) 373-0129

FOR IMMEDIATE RELEASE

FOSTER CARE REVIEW BOARDS ENCOURAGED TO REPORT ATTORNEYS' FAILURE TO MEET WITH CHILD-CLIENTS

LANSING, MI, October 29, 2003 – A policy from the State Court Administrative Office (SCAO) Child Welfare Services Division encourages local panels of the Foster Care Review Board to report attorney misconduct to SCAO, including an appointed lawyer's failure to meet with child-clients.

The policy, which goes into effect today, states that "[a] local foster care review board ... may recommend that the State Court Administrator file a request for investigation of attorney misconduct" with the Michigan Attorney Grievance Commission. A request for investigation, which may be made by anyone, is the first step in an attorney misconduct proceeding.

The Foster Care Review Board was created by the Legislature to review cases of abused or neglected children who have been placed in foster care. Thirty local review boards, consisting of volunteers, meet once a month to review children in care. Local boards also hold appeal hearings when foster parents object to a child's removal from the foster home.

Under the procedure, a local review board would notify SCAO if the board believes that a lawyer guardian ad litem (LGAL) has failed to "provide competent representation to a child client." LGALs are appointed by courts to represent children in child protection cases. Grounds for referring an attorney to SCAO may include the lawyer's "failure to conduct an independent investigation into the facts of a particular case resulting in prejudice to the child's legal interest." Local foster care review boards may also consider whether the attorney has met with the child, is actively involved with the case, and is diligent in moving the child toward a permanent home.

A Michigan Supreme Court-Family Independence Agency work group found that LGALs often fail to visit the children they represent. In addition, LGALs often substitute for one another at hearings, so that the attorney who appears for the child may not be familiar with that child's case. LGALs who do not visit their clients are unable to provide courts with an accurate assessment of the children's best interests and wishes, the work group indicated. The work group's report may be viewed at <http://www.courts.michigan.gov/supremecourt/Press/FinalReport.pdf>.

Debra A. Gutierrez-McGuire, Special Assistant on Foster Care Issues to Chief Justice Maura D. Corrigan, said the SCAO policy "is part of an effort to reduce the time that foster care children spend in what the Chief Justice has called 'procedural limbo.' The goal is to promote

permanency by making sure children get the legal representation they need and deserve. Without competent, diligent representation, children do not have a voice in the process.”

Gutierrez-McGuire added that “in any other setting, there would be no question about whether or not an attorney has an obligation to meet with a client. That obligation is even more compelling when the client is a child.” Gutierrez-McGuire noted that the Foster Care Review Board “has identified the lack of attorney involvement as a problem that interferes with children finding permanent homes.”

The Foster Care Review Board relies on citizen volunteers to serve on local review boards. For more information about volunteer opportunities, contact the Foster Care Review Board at (517) 373-1956.

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